

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 48

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HARRIET L. ROBINSON, ELLEN F. FYNAN,
ROBERT G. WEBSER, and SHAN LU

Appeal No. 2001-2316
Application 08/187,879

Before STONER, Chief Administrative Patent Judge,
HARKCOM, Vice Chief Administrative Patent Judge, and
WILLIAM F. SMITH, Administrative Patent Judge.

WILLIAM F. SMITH, Administrative Patent Judge.

REMAND TO THE EXAMINER

MAILED

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BOARD OF PATENT APPEALS
AND INTERFERENCES

Our review of the record leads us to conclude that this case is not in condition for a decision on appeal. Accordingly, we remand the application to the examiner to consider the following issues and to take appropriate action.

The examiner entered an Examiner's Answer on June 7, 2001 (Paper No. 46). Appellants responded by way of a Reply Brief received August 9, 2001 (Paper No. 47). To date, the record of this application does not reflect that the examiner has considered the Reply Brief.


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Accordingly, upon return of the application, the examiner should consider the Reply Brief. Based upon a review of the issues raised in this appeal, it is our opinion that a substantive response to the points raised in the Reply Brief is needed.

Accordingly, we authorize a Supplemental Examiner's Answer under 37 CFR § 1.193(b)(1), if otherwise appropriate, for the examiner to respond to each point raised in the Reply Brief.

This application, by virtue of its "special" status, requires an immediate action. Manual of Patent Examining Procedure § 708.01 (7th ed., rev. 1, February 2000). It is important that the Board be informed promptly of any action affecting the appeal in this case.

REMANDED


Bruce H. Stoner, Jr., Chief
Administrative Patent Judge


Gary V. Harkcom, Vice Chief
Administrative Patent Judge


William F. Smith
Administrative Patent Judge

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Patricia Granahan
Hamilton, Brook, Smith & Reynolds
Two Militia Drive
Lexington, MA 02173

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